

1 COOLEY LLP
KYLE C. WONG (224021)
2 (kwong@cooley.com)
REECE TREVOR (316685)
3 (rtrevor@cooley.com)
3 Embarcadero Center, 20th Floor
4 San Francisco, California 94111-4004
Telephone: +1 415 693 2000
5 Facsimile: +1 415 693 2222

6 TIANA DEMAS (*pro hac vice*)
(tdemas@cooley.com)
7 MARIAH A. YOUNG (*pro hac vice*)
(mayoung@cooley.com)
8 110 N. Wacker Drive, Suite 4200
Chicago, Illinois 60606
9 Telephone: +1 312 881-6500
Facsimile: +1 312 881-6598

10 Attorneys for Defendants
11 GOOGLE LLC and YOUTUBE, LLC

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 BOGARD, MCGRATH, JANE DOE, BECCA
SCHMILL FOUNDATION, *Individually and*
17 *on behalf of all others similarly situated,*

18 Plaintiffs,

19 v.

20 TIKTOK, INC., BYTEDANCE, INC.,
GOOGLE LLC, YOUTUBE, LLC,

21 Defendants.
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Case No. 5:24-cv-03131-VKD

**DECLARATION OF DAVID MATTERN IN
SUPPORT OF DEFENDANTS' JOINT
ADMINISTRATIVE MOTION TO CONTINUE
MOTION TO DISMISS HEARING**

1 I, David Mattern, declare as follows:

2 1. I am an attorney at King & Spalding LLP and counsel for Defendants ByteDance
3 Inc. and TikTok Inc. (“TikTok Defendants”) in *Bogard et al. v. TikTok, Inc. et al.*, Case No. 5:24-
4 cv-03131-VKD. I submit this declaration in support of Defendants’ Joint Administrative Motion
5 to Continue Motion to Dismiss Hearing.

6 2. On February 25, 2025, the Court granted Defendants’ Joint Motion to Dismiss and
7 provided Plaintiffs’ leave to amend their complaint.

8 3. On March 24, 2025, Plaintiffs filed an Amended Class Action Complaint.

9 4. On May 5, 2025, Defendants filed their Joint Motion to Dismiss Plaintiffs’
10 Amended Class Action Complaint (“Joint Motion to Dismiss”).

11 5. On June 2, 2025, Plaintiffs filed their Opposition to Defendants’ Joint Motion to
12 Dismiss Plaintiffs’ Amended Class Action Complaint.

13 6. On June 23, 2025, Defendants filed their Reply in Support of their Joint Motion to
14 Dismiss Plaintiffs’ Amended Class Action Complaint.

15 7. The Joint Motion to Dismiss is currently set for hearing on July 22, 2025. Counsel
16 for the TikTok Defendants have a conflict with that date due to a trial exercise in another matter
17 that will be ongoing throughout the week of July 21, 2025. Counsel for Defendants Google LLC
18 and YouTube LLC has a conflict arising out of a full-day mediation the day prior to the hearing in
19 Chicago. That mediation was originally scheduled to conclude in time for counsel to travel to San
20 Jose for the hearing. That is no longer the case.

21 8. On July 8, 2025, Defendants jointly contacted Plaintiffs’ counsel to ask if they
22 would be amenable to inquiring with the Court whether it planned to hold oral argument and if it
23 would consider continuing the July 22, 2025 hearing. In a response sent the same day, Plaintiff’s
24 counsel declined.

25 9. On July 14, 2025, following informal correspondence with the Court’s staff on
26 which counsel for all parties was copied, Defendants again requested Plaintiffs’ position on the
27 instant request to continue the hearing until September 9, 2025, the earliest date on which all
28 defense counsel were available. Plaintiffs’ counsel indicated that they would oppose the motion,

1 but did not provide details. Counsel for the YouTube Defendants requested the reason for Plaintiffs’
2 position and advised that Defendants were willing to request another date to accommodate
3 Plaintiffs’ counsel’s schedule. Plaintiffs’ counsel responded that “the basis of the opposition is that
4 we need to move this litigation along expeditiously.”
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6 I declare under penalty of perjury of the laws of the United States of America that the
7 foregoing is true and correct. Executed on July 15, 2025 in Washington D.C..
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9 /s/ David Mattern
David Mattern
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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Tiana Demas, attest that concurrence in the filing of this document has been obtained from all other signatories.

/s/ Tiana Demas
Tiana Demas